

Docket No.: 0171-1294PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masayuki MORITA et al.

Application No.: 10/588,232

Confirmation No.: 5423

Filed: August 3, 2006

Art Unit: 1796

For: ELECTRODE FOR ENERGY STORAGE
DEVICE AND PROCESS FOR PRODUCING
THE SAME

Examiner: S. Fang

TERMINAL DISCLAIMER

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned is attorney of record for the assignees of the above-identified application (hereinafter "the instant application"). YAMAGUCHI UNIVERSITY and NISSAN CHEMICAL INDUSTRIES, LTD. certify that they are co-owners of 100% interest in the instant application, as evidenced by the assignment having been recorded in the U.S. Patent and Trademark Office on August 3, 2006 at Reel 018145, Frame 287 (4 pages). Also, NISSAN CHEMICAL INDUSTRIES, LTD. certifies that he or she is the owner of 100% interest in pending **reference** Application Number 10/585,757, filed January 12, 2005, as evidenced by the assignment having been recorded in the U.S. Patent and Trademark Office on July 12, 2006 at Reel 018068, Frame 0631 (3 pages).

YAMAGUCHI UNIVERSITY and NISSAN CHEMICAL INDUSTRIES, LTD. hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending **reference** application as such term is defined in 35

U.S.C. 154 and 173, and as the term of any patent granted on said on **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The co-owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantees, their successors or assigns.

In making the above disclaimer, YAMAGUCHI UNIVERSITY and NISSAN CHEMICAL INDUSTRIES, LTD. do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Finally, YAMAGUCHI UNIVERSITY and NISSAN CHEMICAL INDUSTRIES, LTD. agree (1) to waive the rights of YAMAGUCHI UNIVERSITY and NISSAN CHEMICAL INDUSTRIES, LTD. to separately enforce the patent resulting from the present application and any patent granted on said **reference** application, (2) that both patents will be enforceable only during the period where both patents are not separately enforced, and (3) that the above waivers are binding on the current owners and their successors or assigns.

Enclosed herewith is a fee transmittal with instructions to charge payment to our Deposit Account No. 02-2448 in the amount of \$140.00 covering the fee set forth in 37 CFR 1.17(a)(1) and 1.20(d) is enclosed. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

JUN 03 2010

Respectfully submitted,

By 

GARTH M. DAHLEN
USPTO #43,575

Gerald M. Murphy, Jr.

Registration No.: 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant